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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,099	11/06/2001	Paul Wollcott Harrison	RM301f	8174
23996	7590	02/03/2004	EXAMINER	
RICK MARTIN PATENT LAW OFFICES OF RICK MARTIN, PC 416 COFFMAN STREET LONGMONT, CO 80501			EVANS, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,099

Applicant(s)

HARRISON, PAUL WOLLCOTT

Examiner

Geoffrey S Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 10 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 8, 9, 11-13, 16, 17 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20021119 6) ☐ Other:

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4,8, 9,12,16,17,19, 22, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in U.S. Patent No. 6,617,515 in view of Towfiq in U.S. Patent No. 5,853,955. Yeung discloses applying a layer of mixed organic pigment material or materials (organic polymers are shown in column 1, lines 54-60 that effect the contrast and are therefore pigments), and an energy absorbing enhancer (TiO_2 or TiC_2) to a cable, and irradiating with a laser beam (e.g. see column 2, line 50). Yeung does not specifically state that the cable includes a plastic outer covering. Towfiq teaches in column 1, lines 30-34 that a wire can be insulated by plastic material. It would have been obvious to adapt Yeung in view of Towfiq to provide this to mark cables with a plastic outer covering to electrically insulate the cable. Regarding claims 8 and 16, Yeung discloses in the embodiment of example 1 a coating material with a thickness of 64 microns. Regarding claim 9 and 17, 70 degrees is a comfortable temperature for human beings. It would have been obvious to adapt Yeung in view of Towfiq to provide this to make the process comfortable for the user. Claim 25 is redundant since claim 3 already recites that the marking material has an energy absorbing enhancer.

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3. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Towfiq as applied to claims 4 and 12 above, and further in view of Ishiwaki et al. in Japan Patent No. 60-199,660. Ishiwaki et al. teaches using a laminar air flow over the workpiece. It would have been obvious to adapt Yeung in view of Towfiq and Ishiwaki et al. to provide this to prevent fouling of the optics during laser marking.

4. Claims 11,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Towfiq and Seuss et al. in U.S. Patent No. 5,985,078. Yeung discloses applying a layer of mixed organic pigment material or materials (organic polymers are shown in column 1, lines 54-60 that effect the contrast and are therefore pigments), and an energy absorbing enhancer (TiO_2 or TiC_2) to a cable, and irradiating with a laser beam (e.g. see column 2, line 50). Yeung does not specifically state that the cable includes a plastic outer covering, nor does Yeung teach using a carrier. Towfiq teaches in column 1, lines 30-34 that a wire can be insulated by plastic material. Seuss et al. teaches using a carrier that is placed in contact with the workpiece prior to laser treatment to create a marking on the workpiece. It would have been obvious to adapt Yeung in view of Towfiq and Seuss et al. to provide this so that only part of the workpiece receives the pigment layer.

5. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

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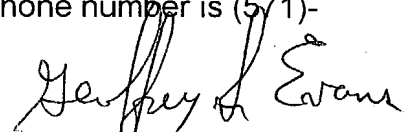
6. Claims 6,7,14,15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Birmingham, Jr. et al. in U.S. Patent No. 5,560,845 discloses in column 1, lines 23-30 that PTFE is transparent to UV light. Schmidt et al. in U.S. Patent No. 5,928,780 discloses laser marking a plastic tag or label (see column 3, line 39 to column 4, line 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1300.



Geoffrey S. Evans
Primary Examiner
Group 1700

GSE